

REMARKS

In the Decision on Appeal, the Board reversed all outstanding rejections by the Examiner, and formulated a new rejection of claims 56-60. By this paper, Applicant hereby amends claims 56-60 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 101

In the Decision on Appeal, the Board rejected claims 56-60 under 35 U.S.C. § 101 as directed to non-statutory subject matter. In particular, the Board indicated that claims 56-60 recite machine readable code disposed on a machine readable medium, but suggested that the claim language does not exclude such code being disposed on a transitory propagating signal. *See* Decision on Appeal, page 6. Accordingly, although Applicant does not necessarily agree with the Board, Applicant hereby amends independent claims 56-60 to recite a non-transitory machine readable medium. As a result, the foregoing rejections are now moot. Applicant also notes that the foregoing amendments do not narrow the scope of the claims, as one of ordinary skill in the art would appreciate that a machine readable medium excludes a transitory propagating signal.

For at least these reasons among others, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 101.

Conclusion

Applicant respectfully submits that all pending claims should be in condition for allowance. However, if the Examiner believes that certain amendments would expedite allowance of the present application or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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